

Reply to Office Action dated May 8, 2006

REMARKS

Claims 1, 3-7, 9-12, 14 and 16 are pending in this application. By this Amendment, claims 1, 3, 4, 6, 7, 9, 10, 12, 14 and 16 are amended and claims 2, 8, 13 and 15 are canceled without prejudice or disclaimer.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, features of dependent claims 2-3 are incorporated into independent claim 1, features of dependent claims 6 and 15 are incorporated into independent claim 4, features of dependent claims 8-9 are incorporated into independent claim 7 and features of dependent claims 13-14 are incorporated into independent claim 10. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-16 under 35 U.S.C. §102(e) over U.S. Patent 6,707,774 to Kuroda et al. (hereafter Kuroda) in view of U.S. Patent 7,000,113 to Linnartz. The rejection is respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving an original media data set that includes an original watermark, said original watermark including watermark type indicating whether the watermark is original or not, media owner identification information indicating a media owner and a first copy control information for managing and controlling the media data copying process. Independent claim 1 also recites the first copy control information being set to one of "copy freely", "copy for display only", "copy one generation", "copy never", and "no more copies." Still

Reply to Office Action dated May 8, 2006

further, independent claim 1 recites that the first copy control information being set to "copy for display only" is distinguished from others. Independent claim 1 further recites embedding a player watermark into said played media data set, said player watermark including a second copy control information set to "no more copies" and player identification information including model number and unique serial number, wherein the second copy control information is derived from the first copy control information.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, the applied references do not teach or suggest the original watermark including watermark type, media owner identification information indicating a media owner and a first copy control information, wherein the first copy control information being set to "copy for display only" is distinguished from others. More specifically, Kuroda's FIG. 8 does not show that first copy control information being set to "copy for display only" is distinguished from others. Still further, the applied references do not teach or suggest that the player watermark including a second copy control information set to "no more copies" and player identification information including model number and unique serial number. Kuroda and Linnartz do not teach or suggest at least these features.

The Office Action (on page 4) states that Kuroda does not teach player identification information including a serial number. Applicants further submit that Kuroda also does not teach or suggest that the player watermark including a second copy control information and player identification including model number and unique serial number. Further, the Office Action, when discussing these features appears to state that Linnartz teaches serial numbers. The

Reply to Office Action dated May 8, 2006

Office Action cites Linnartz's col. 5, lines 20-22. However, Linnartz does not relate to player identification information including model number and unique serial number. These features were previously recited in dependent claim 3. However, when addressing the features of dependent claim 3, the Office Action does not discuss the claimed model number and unique serial number. Accordingly, applicants respectfully submit that the Office Action has failed to address this specific feature. Further, the applied references do not teach or suggest all the features recited in independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 4 recites receiving an original media data set that includes an original watermark, said original watermark including watermark type indicating whether the watermark is original or not, media owner identification information indicating a media owner and a first copy control information for managing and controlling the media data copying process, the first copy control information for indicating at least whether a copy of the media data is permitted. Independent claim 4 further recites embedding a device watermark into said media data set when transferring the said media data set to an external device, said device watermark including a second copy control information derived from the first copy control information and a device identification information including model number and unique serial number.

For at least similar reasons as set forth above, the applied references do not teach or suggest these features. More specifically, the applied references do not teach or suggest the claimed original watermark including watermark type, media owner identification information and a first copy control information. Still further, the applied references do not teach or suggest

Reply to Office Action dated May 8, 2006

the claimed device watermark including a second copy control information and a device identification information including model number and unique serial number. Thus, independent claim 4 defines patentable subject matter.

Independent claim 7 recites that the first copy control information being set to "copy for display only" is distinguished from others. Independent claim 7 also recites that the original watermark further includes watermark type and media owner identification information (indicating a media owner). Independent claim 7 further recites that the player watermark including a second copy control information set to "no more copies" and player identification information including model number and unique serial number. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features. Thus, independent claim 7 defines patentable subject matter.

Independent claim 10 recites that the original watermark further includes watermark type (indicating whether the watermark is original or not) and media owner identification information (indicating a media owner). Independent claim 10 further recites a device watermark including a second copy control information and device identification information including model number and unique serial number. For at least similar reasons as set forth above, the applied references do not teach or suggest these features. Thus, independent claim 10 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 4, 7 and 10 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the

Serial No. **10/078,272**

Reply to Office Action dated May 8, 2006

Docket No. **CIT/K-0141**

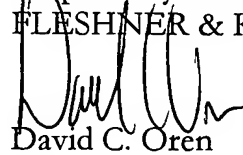
dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-7, 9-12, 14 and 16 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren

Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DCO/kah

Date: October 10, 2006

Please direct all correspondence to Customer Number 34610